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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/771,803	02/04/2004	Lutz Freitag	000160-0001

CONFIRMATION NO. 3335

FORMALITIES LETTER



OC000000013259123

Tony D. Alexander
 TECHNOLOGY LEGAL COUNSEL LLC
 P.O. Box 1728
 Evans, GA 30809

Date Mailed: 07/16/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1-7.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

09/17/2004 NMEKONEN 00000058 501949 10771803

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Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
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*A copy of this notice **MUST** be returned with the reply.*

T. Tu
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Lutz Freitag

DATE MAILED: September 15, 2004

SERIAL NO.: 10/771,803

DOCKET NO.: 000160.0001

FILED: February 4, 2004

ART GROUP: 3743

FOR: **TRACHEAL CATHETER AND PROSTHESIS
AND METHOD OF RESPIRATORY SUPPORT
OF A PATIENT**

EXAMINER: UNKNOWN

(EW1736003/548)
CERTIFICATE OF EXPRESS MAIL (EPC99501051703)

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on September 15, 2004 in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10, Mailing Label Number ~~EW1736003/548~~ addressed to the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Gwendolyn D. Alexander

9/15/04

Date of Signature

Commissioner for Patents

BOX MISSING PARTS

U.S. Patent and Trademark Office

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Alexandria, Virginia 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Sir:

Submitted herewith is a declaration and power of attorney in compliance with 37 CFR 1.63 and a preliminary amendment substituting three (3) sheets of formal drawings comprising seven (7) figures for the above-identified patent application. Please substitute these formal drawings for the drawings, which were filed with the application. The substitute sheets include no new matter.

The Commissioner is authorized to charge the \$65.00 late oath or declaration surcharge and any fees, which may be required, or to credit any overpayment, to Deposit Account No. 50-1949.

Respectfully submitted

Tony D. Alexander

Registration No. 44,501

Date: September 15, 2004

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